



Federal Communications Commission
Washington, D.C. 20554

July 30, 2007

Clay Johnson, III
Chairman
President's Management Council
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

RE: Updated Status Report - FOIA Improvement Plan

Dear Chairman Johnson:

Pursuant to the Attorney General's Second Report to the President Pursuant to Executive Order 13, 342, "Improving Agency Disclosure of Information" (June 1, 2007), an Updated Status Report is required when an agency reported a deficiency in meeting one or more milestones in its FOIA Improvement Plan. In its FY06 Annual FOIA Report, the Federal Communications Commission (FCC) reported that it successfully met four of the five milestones set in its FOIA Improvement Plan. The FCC has remedied the one deficiency previously reported and is now meeting all the milestones in its FOIA Improvement Plan.

1. FOIA Improvement Plan area to which the deficient milestone relates. The sole deficient milestone identified in the FCC's FY06 Annual FOIA Report relates to the reduction of the backlog in FOIA applications for review.


2. Identify the deficient milestone (including the original target date listed in the agency's FOIA Improvement Plan). In the FCC's Report under the Executive Order, the Commission stated that it would attempt to resolve all pending FOIA applications for review that were more than one year old by December 31, 2006. At the time the FCC's FY06 Annual FOIA Report was filed, there were two FOIA application for review proceedings more than one year old (one involving three applications for review by the same requester, and the other involving two applications for review consolidated for disposition) pending at the FCC. The FY06 Annual FOIA Report indicated the FCC was working to resolve the pending applications for review.

3. Describe the specific steps taken to date to correct the deficiency, including the dates by which you completed these steps (this should include every corrective step listed in your FY06 Annual FOIA Report that you have since completed). The FCC believes that it is now in compliance with the milestone previously reported as deficient. The FCC reached a decision on the three consolidated applications for review on March 21, 2007. The other consolidated two applications for review are the subject of a complaint pending before the United States District Court for the District of Columbia. The matter has been fully briefed before the court, and because the matter is within the court's jurisdiction, we believe no further administrative action by the FCC is appropriate.

4. Describe any additional steps that you will be taking in the future to correct the deficiency, including the dates by which you will complete these steps (this should include every corrective step listed in your FY06 Annual FOIA Report that you have not yet completed). As indicated, the deficiency previously reported has been resolved. The FCC is now promptly processing FOIA applications for review so that no backlog develops.

If you have any questions concerning this Updated Status Report, please do not hesitate to contact me.

Sincerely,



Samuel Feder
General Counsel and
Chief FOIA Officer